

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN WILLIAMS,

Plaintiff,

v.

RICK M. HILL, et al.,

Defendants.

No. 2:23-cv-0958 SCR P

ORDER

Plaintiff, a state prisoner, is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On screening the complaint, the court found plaintiff stated cognizable Eighth Amendment claims against defendants Hill and Thomas. (July 30, 2024 Order; ECF No. 9.) The court further found plaintiff stated no other cognizable claims. Plaintiff was given the option of proceeding immediately on his Eighth Amendment claims or amending the complaint. Plaintiff was advised that if he chose to proceed immediately on his Eighth Amendment claims, he would be voluntarily dismissing his other claims. The court provided plaintiff with a form to notify the court of his choice. (Id. at 8.)

Plaintiff recently filed a document in which he states he chooses to proceed “against Defendants Hill and Thomas only.” (ECF No. 13.) Hill and Thomas are the only defendants in the case. Thus, it appears that plaintiff wishes to proceed immediately on his Eighth Amendment claims against defendants. However, plaintiff did not use the form provided by the court with the

1 July 30 order. The court requires plaintiff to use the court's form so that it is clear plaintiff  
2 understands that by choosing not to amend the complaint he will be proceeding only on the  
3 Eighth Amendment claims in the complaint against defendants Hill and Thomas and he is  
4 voluntarily dismissing all other claims.

5 This court will provide plaintiff with another copy of the form that was attached to the  
6 July 30 order. Plaintiff must use the form to notify the court of his choice to proceed on his  
7 Eighth Amendment claims or amend the complaint.

8 For the foregoing reasons, IT IS HEREBY ORDERED that within **twenty days** of the  
9 date of this order, plaintiff shall file the attached form to notify the court whether he wishes to  
10 proceed immediately only on the Eighth Amendment claims the court previously found  
11 cognizable or whether he wishes to amend the complaint.

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13 Dated: August 19, 2024  
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15 SEAN C. RIORDAN  
16 UNITED STATES MAGISTRATE JUDGE  
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11 MELVIN WILLIAMS,

No. 2:23-cv-0958 SCR P

12 Plaintiff,

13 v.

14 RICK HILL, et al.,

PLAINTIFF'S NOTICE ON HOW TO  
PROCEED

15 Defendants.

16 Check one:

17  Plaintiff wants to proceed immediately on his Eighth Amendment claims against  
18 defendants Hill and Thomas. Plaintiff understands that by going forward without  
19 amending the complaint he is voluntarily dismissing all other claims.

20  
21  Plaintiff wants to amend the complaint.

22  
23 DATED: \_\_\_\_\_

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27 Melvin Williams, Plaintiff